

REMARKS

This responds to the Office Action dated February 21, 2008.

Claims 1, 15, 17 and 19 are amended, claims 2, 9, 14, 16, 18, 24, 27-28, 37 and 39-71 are canceled, and no new claims are added; as a result, claims 1, 3-8, 10-13, 15, 17, 19-23, 25-26, 29-36 and 38 are now pending in this application.

Objections to the Specification

The Examiner objected to the amendment proposed for paragraph [0020] in the Amendment and Response mailed January 11, 2008. Applicants withdraw that amendment and submit a new amendment. Specifically, the following sentence has been added to paragraph [0020] "Furthermore, markers may be inserted into said the video stream to indicate the division between video segments by changes in music or scenery within the video stream." Support for the amendment can be found in the originally filed claims 34 and 35:

34. The system of claim 19 wherein said markers are inserted into said video stream to indicate the division between video segments by changes in music within said video stream.

35. The system of claim 19 wherein said markers are inserted into said video stream to indicate the division between video segments by changes in scenery within said video stream.

The Applicants have closely followed the language of claims 34 and 35 in order not to add new matter. Withdrawal of the objection to the specification is respectfully requested.

Amendments to the Claims

The Applicants noted a few minor informalities within the claims. The claims have been amended in order to correct these informalities. For example, in the fifth limitation of claim 1 "said video segments" has been changed to "said plurality of video segments" to match the antecedent basis of "a plurality of video segments" within the preamble.

§103 Rejection of the Claims

Claims 1, 3, 5-8, 10-13, 15, 17, 19-23, 36 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,895, hereinafter referred to as the Abecassis reference) in view of Kwoh et al. (U.S. Patent No. 6,226,793, hereinafter referred to as the Kwoh reference). The Applicants respectfully traverse.

Before directly addressing the Examiner's rejection under 35 U.S.C. § 103(a), a brief review of the claimed invention is desirable. Independent Claims 1, 15, 17, and 19 are directed to a method and system for receiving, decoding, and storing a plurality of video segments from an encoded continuous video stream. In the claimed systems, an encoded video stream consisting of a continuous series of encoded video segments is decoded to retrieve markers and tags. The markers define divisions between the individual video segments that comprise the continuous video stream. Tags that are associated with each video segment describe the content of the associated video segment. The tags and markers for each video segment are stored into a database. The plurality of video segments from the video stream, as identified by the markers, are stored into a video storage in the system. The claimed system can then select preferred video segments from the video storage by comparing the tags describing the video segments with video preferences of a viewer. The selected video segments may then be viewed by the user or downloaded. Independent Claims 1, 15, 17, and 19 all include limitations of receiving a video stream comprising a continuous series of video segments, decoding the markers that divide the video segments, decoding the tags that describe the video segments, storing the video segments in video storage, and comparing the tags in the database against the video preferences of a user to select preferred video segments from the video storage.

The Abecassis and Kwoh References Cannot be Combined

In the office action dated February 21, 2008, the Examiner contends that a combination of the Abecassis with the Kwoh reference renders the claimed invention obvious. The Abecassis reference discloses a keyword responsive variable content video program system. The system of the Abecassis reference is largely a video disk player 601 that is capable of accessing a content map in order to skip over video segments depending on user content preferences. (See Abstract of the Abecassis reference) In order to operate properly, the system of the Abecassis reference

requires that the content map be available at play time such that the video disk player 601 can examine the content map and the viewer preferences in order to determine the path of video segments that need to be fetched and displayed to the viewer. The description of this procedure is set forth in lines 51 to 57 of column 10 and lines 15 to 23 that state:

Upon a "play" command, the control program causes the retrieval 631 of the program specific routines 632, and program content map 633 from the video/data disk. The disk contains the map of the program segments, any user interface routines particular to the program, and player control codes, in a format similar to that required by the actual program contained therein.

...

The control program 621 generates a segment table 622 based on the integration of the video program's content map 633 and the viewers preference structure. The segment table provides the segment scheduler 623 the data to cause the ordered retrieval of only the video segment consistent with the viewer preferences. The video segments are then transmitted in a transparently continuous manner 615 through the monitor interface 616 to the monitor 617.

If the content map is not available, then the system of the Abecassis reference would simply halt when content that the viewer does not desire is encountered. The system would not know where to fetch the next video segment from. Thus, the system of the Abecassis reference *can only operate properly if a content map is available to the system before playing.*

In the office action dated February 21, 2008, the Examiner contents that a combination of the Abecassis reference with the Kwoh reference renders the claimed invention obvious. As noted on page 6 of the Examiner's Office Action, "Abecassis does not explicitly disclose a decoder decoding the tags and markers." (The Abecassis does not disclose such decoding of tags and markers since the Abecassis reference already has the full content map as set forth above.) To provide the decoding of the tags and markers from the video stream (as required by the claims of the present invention), the Examiner suggested that the Abecassis reference could be combined with the Kwoh reference to provide such a decoding feature since the Kwoh reference discloses decoding of tags and text (that is somewhat similar to markers) as illustrated in **Figures 23 and 24.** (Note, the Examiner cited lines 33 to 64 of column 13 of the Kwoh reference but this section of text seems to have very little to do with the present case. Applicants assume that the Examiner intended to cite the text associated with **Figures 23, 24, and 25.**)

However, such a combination would fail to operate properly. If the system of the Abecassis reference no longer had a content map but instead had tags and markers encoded

within each individual video segment, then such a combined system would fail to operate properly since the system could not create a path of video segments acceptable to the viewer preferences as set forth in the preceding paragraph. Specifically, once the system encountered a video segment that did not meet with the user's defined preferences, the system would be unable to display video to the viewer. In fact, this is explicitly the manner in which the system of the Kwoh reference operates! Lines 7 to 30 of column 16 in the Kwoh reference disclose that the system displays a blue screen with some text instead of showing video:

For example, suppose a parent has young children and wishes to show only a G-rated program or video to the children. The portion of the program that is G-rated including G-rated video 662 and G-rated video 670 would be displayed on a television in a normal manner. If apparatus is provided such as shown in FIG. 25, then the **PG-13 rating start data is extracted from the vertical blanking interval and used to block the following PG-13 rated video segment data 666 from the television monitor. During the time that the PG-13 rated video segments data 666 is being blocked from the television monitor, the text data 667 embedded in the vertical blanking interval is extracted from the vertical blanking interval. Also, throughout the time that the PG rated video segment data 666 is blocked from the television monitor, the television screen is switched to a blue screen. On the blue screen the text data 667 is displayed.** The text contains the description of what is happening in the plot during that PG-13 rated video segment in a nonviolent style. For example, a bloody fight might be blocked and then the text of FIG. 32 displayed (e.g. A and B fight. B does not survive.) The text data 667 remains on the television monitor until the PG-13 rating end data 668 data is extracted from the vertical blanking interval. Then the G-rated video 670 appears on the television screen.

Thus, as set forth above, the teachings of the Abecassis reference can not be combined with the in video stream decoding of tags and markers of the Kwoh reference since the combined system simply devolves into the system of the Kwoh reference.

Neither Kwoh Nor An Illogical Combination Of Abecassis And Kwoh Render The Claimed Invention Obvious

As set forth in the preceding section, combining the in stream decoding of tags and text of the Kwoh reference to the Abecassis reference would render a system that would not operate as the Abecassis reference was intended to operate such that there is no reason to combine the two systems. If the Kwoh system is considered alone, it does not anticipate the present invention as claimed in independent claims 1, 15, 17, and 19 since it does not disclose storing video

segments in a video storage nor allowing the selection of preferred video segments from that video storage since the Kwoh reference does not disclose a video storage system at all.

If some designer was foolish enough to combine the in stream decoding of tags and text of the Kwoh reference with the Abecassis reference in a manner that does not replace the content map, then the combined system would contain redundant aspects since the content map would already contain the tags and markers that are decoded from the video stream. But even such an illogical combination with redundant video tag and marker information would still not render the invention as claimed in independent claims 1, 15, 17, and 19 obvious. Such a system would still lack the video storage as required by the independent claims 1, 15, 17, and 19. Specifically, the Examiner cited items 611 and 612 of **Figure 5** and lines 15 to 30 and 59 to 65 of column 11 as disclosing “a video storage storing the video segments”. Lines to 30 of column 11 state:

The control program 621 generates a segment table 622 based on the integration of the video program's content map 633 and the viewer's preference structure. The segment table provides the segment scheduler 623 the data to cause the ordered retrieval of only the video segment consistent with the viewer preferences. The video segments are then transmitted in a transparently continuous manner 615 through the monitor interface 616 to the monitor 617.

Depending on memory and processing capacity of the video disk player, retrieval of data from the appropriate sectors of the video disk, memory, or drives need not be completed prior to initiating transmission of segments of the video program. **Specifically the program's content table may be logically segmented to permit concurrent processing and segment table generation with video transmission.**

This text does not teach of any video storage unit. Instead, this text seems to indicate that the memory supply may be limited such that the system may not create the entire segment table of video segments to fetch before play begins since a large segment table may not easily fit the available memory. Instead, playback can begin and the segment table may be created while video is being transmitted.

Lines 59 to 65 of column 11 state:

The above described player and disk architecture permits a viewer to interactively modify or create their unique program segment map. For example, a consumer may keyword code the subject matter of the consumer produced video segments (home videos). The keyword code permits the computer assisted retrieval of the selected segments and creation of user defined content maps and indexes. A user-

defined index would span the consumer's personal library of such videos, facilitating greater utilization.

This section merely mentions that users can create their own unique segments maps (a set of pointers to video segments) using keywords. However, there is nothing about any video storage.

Finally, items **611** and **612** of **Figure 5** are video retrieval and video buffers, respectively. However, it is clear from the disclosure that these elements are not for storing a plurality of video segments. Video retrieval **611** just refers to hardware for retrieving video information as from disk head controller **602** or from fiber optic interface **691**. And the video buffers **612** are just small video buffers to account for any seek times in obtaining discontinuous video segments. Specifically, lines 33 to 41 of column 10 state:

Referring now to FIG. 5, the video disk player of the present invention enhances existing readily available video disk player unit 601 and random access technology 602 by **including video buffers 612 of sufficient size to permit random positioning of the head (measured in microseconds) to retrieve subsequent frame information** from the videodisc without altering the transmission of the required frames per second to provide a transparently continuous video signal transmission to the monitor.

A video buffer **612** that stores 'microseconds' of video data is not a video storage for storing a plurality of video segments.

As set forth above, no designer would combine the Kwoh reference and the Abecassis reference since such a combination would not operate properly and would merely devolve into the Kwoh reference system. And even if a designer combined the two systems, such an illogical and redundant system would still not render independent claims 1, 15, 17, and 19 obvious since such a system would not have a video storage for storing plurality of video segments. Thus, independent claims 1, 15, 17, and 19 are allowable over the Abecassis reference, the Kwoh reference, and any combination of the Abecassis reference and the Kwoh reference. Similarly, all the dependent claims dependent on independent claims 1, 15, 17, and 19 include all the limitations of the independent claims and are thus likewise allowable.

Claims 42 to 68

Claims 42 to 68 have been cancelled.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of May 2008.

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